

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STACEY L. DEANE,
APPELLANT**

vs.

**MISSOURI EMPLOYERS MUTUAL INSURANCE COMPANY,
RESPONDENT**

DOCKET NUMBER WD76508

DATE: April 29, 2014

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Christine Carpenter, Judge

Appellate Judges:

Division One: Joseph M. Ellis, P.J., Karen King Mitchell, J. and Anthony Rex Gabbert, J.

Attorneys:

Truman E. Allen, for Appellant

Scott R. Pool, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STACEY L. DEANE, APPELLANT

v.

MISSOURI EMPLOYERS MUTUAL INSURANCE COMPANY, RESPONDENT

WD76508

Macon County, Missouri,

Before Division One Judges: Joseph M. Ellis, P.J., Karen King Mitchell, J. and Anthony Rex Gabbert, J.

Stacey Deane ("Appellant") appeals from the Circuit Court of Boone County's dismissal of his petition against Missouri Employers Mutual Insurance Company ("Insurer") in which Appellant asserted tort claims against Insurer for failing to comply with the terms of a worker's compensation award that had previously been entered as a judgment in Cole County. All of Appellant's points on appeal are intertwined in that they are all focused on Appellant's core contention that Missouri recognizes, or should recognize, a separate cause of action in tort based on an insurer negligently and with conscious disregard failing to comply with a workers' compensation award on which an enforcement judgment has been entered pursuant to § 287.500.

AFFIRMED.

Division One holds:

- (1) A judgment entered to allow enforcement of a workers' compensation award must be treated the same as any other final judgment entered by the circuit court.
- (2) No cause of action for negligent failure to comply with a judgment has previously been recognized under Missouri case law, and this Court sees no compelling reason for doing so now.
- (3) If Insurer has failed to comply with the judgment, Appellant certainly is entitled to pursue enforcement of that judgment in the Circuit Court of Cole County.

Opinion by Joseph M. Ellis, Judge

Date: April 29, 2014

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